

REMARKS

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicant has amended page 3, lines 19-28, to include this feature from the claims. Page 3, lines 26-28, of the International patent specification states that each tooth is elliptical in cross-section. This feature is also shown in Figure 11. Accordingly, and by implication, each tooth must have tapering sides on both its first and second surfaces. Therefore, Applicant submits that no new matter was added by this amendment. Since the specification provides antecedent basis for the claimed subject matter, Applicant submits that this rejection has been overcome.

The disclosure is also objected to because of the informality that "March 16, 2003" should be changes to the correct date of - - March 16, 2004 - - . Applicant has amended to the specification to reflect the correct date. Therefore, Applicant submits that this rejection has been overcome.

The drawings are objected to under 37 CFR 1.83(a) because the drawings do not show every feature of the invention specified in the claims. Applicant hereby submits a Replacement Sheet for Figure 11 showing a first tapering side 13.1 on a first surface 12.4 and a second tapering side 13.2 on the second surface 12.5 Applicant submits that no new matter was added by this amendment. Since the drawings show every feature of the invention specified in the claims, Applicant submits that this rejection has been overcome.

Claim 10 is objected to for including the phrase “wider that” instead of the correct phrase - - wider than - -. This typographical error has been corrected in the amendment to claim 10. Therefore, Applicant submits that this objection has been overcome.

Claims 10-15 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 has been amended to provide antecedent basis for the phrase “the widths of the spaces” by providing that each comb has teeth that are separated by spaces. Support for this amendment is found in the Figures and in the specification. The Examiner has indicated that claim 11 lacks antecedent basis for the phrase “the selected teeth”. However, claim 10, line 9, provides antecedent basis for “selected teeth”. For the foregoing reasons, Applicant submits that this rejection has been overcome.

Claims 10-14, 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (U.S. Patent 1,977,920). The presently claimed invention is directed to a hair clip having teeth with tapered sides on both a first and second surface (elliptically shaped teeth). These elliptical teeth allow the opposing teeth from the respective combs to interfit partially into the spaces between the teeth so that hair is trapped between the combs while reducing the likelihood of damage to the hair so trapped. As stated on page 4, lines 20-21, of the International Patent Specification, the clamping action which results from the specifically spaced and shaped teeth ensures

clamping of spares, thin, short and small clumps or strains of hair. This feature of partial interfitting, as shown in FIG. 11, is not taught or suggested in the Robinson reference. The Robinson reference provides for two distinct configurations for the hair comb. FIG. 2 of Robinson shows the teeth of the combs all in an overlapping position. Conversely, FIG. 6 shows the teeth of the combs all intermeshed. The Examiner indicates that the prior art does not recite the feature that the teeth of each comb is slightly wider than the widths of spaces adjacent the teeth and the teeth of each comb having tapering sides on both surfaces. The Examiner asserts that these features provide “a mere change in the size and shape of the known component”. However, Applicant is not merely changing the size and shape of the teeth and spacing. Applicant submits that they are using a specific shape in conjunction with a selected spacing in order to improve the attachment of the hair clip to the hair of the user. This shape and spacing of the teeth in Applicant’s invention provide for an interfitting configuration for the teeth to improve the hold of the clip to the hair. Since this type of interfitting arrangement is not taught or suggested in the prior art, Applicant submits that the rejection has been overcome.

Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson in view of Leslie (U.S. Design Patent No. D483,522). Since claim 15 depends from claim 1, Applicant submits that it is also allowable for the above-identified reasons. Therefore, Applicant submits that this rejection has been overcome.

Claims 16-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Parker (U.S. Patent No. RE 16,546). The Parker reference does not teach or suggest that twisting of the combs relatively to each other while inserting them into engagement such that some of the teeth of one comb overlay and other underlay the teeth of the other comb so as to clamp hair between the combs. As shown in FIGs 7-10, some of the teeth from a first comb underlay and some of the teeth of the first comb overlay the teeth of the second comb. This action results in the clamping action which the combs are designed for in order to provide for a sufficient hold to the user's hair. The Parker reference does not teach or suggest this type of arrangement. The Parker reference merely provides that "the combs are inserted oppositely into the hairs", see column 1, lines 28-30. The Parker reference does not teach that "some of the teeth of one comb overlay and other underlay the teeth of the other comb". Additionally, as previously stated the spacing and shape of the teeth are important in order to hold the hair in place with the comb. The spacing and shape of the teeth are not "a mere change in the size and shape of the known component". For the foregoing reasons, Applicant submits that the rejection has been overcome.

Applicant respectfully submits that the rejections to the claims are overcome and that the application is now in condition for allowance. Accordingly, favorable reconsideration and allowance of the application is respectfully requested.

Respectfully submitted,

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